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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,107	04/27/2001	Masakazu Hayashi	450100-03202	9971
20999	7590	11/02/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			CHUONG, TRUC T	
			ART UNIT	PAPER NUMBER
			2179	
DATE MAILED: 11/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,107

Applicant(s)

HAYASHI ET AL.

Examiner

Truc T. Chuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This communication is responsive to Amendment filed 08/11/05.

Claims 1-21 are pending in this communication, and this office action is made final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claim Rejections - 35 USC § 103

1. Claims 1, 3-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacPhail (U.S. Patent No. 6,636,243 B1) in view of Microsoft PowerPoint Screen Capture (herein after PowerPoint, Microsoft Copyright 1987-1999, Figures 1-3).

As to claim 1, MacPhail teaches an information processing apparatus comprising:

first display control means for controlling the display one or more icons in a non-sequential manner (col. 6 line 64-col. 7 line 4, figs. 2a-b, and 3a-b); however, MacPhail does not clearly teach that the icons are thumbnails. It would have been obvious to implement teaching of thumbnails in the MacPhail's system to perform in similar functionality as any icon of MacPhail to improve visibility to ease the user when determining the content of the objects/icons displayed on a GUI. In this case, icons of MacPhail can be used to represent the same features as the thumbnails such as different colors, shapes, variables, etc., e.g., col. 6 line 64-col. 7 line 4, figs. 2a-b, and 3a-b. MacPhail inherently provides that icons can be overlapped if there are so many icons displayed on the ring because the system of MacPhail is not limited how many icons allow

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to be on that ring; and if it is not, it would have been obvious to modify the icons or thumbnails to be overlapped for saving space or other grouping purposes;

determination means for determining whether or not a predetermined time has passed with respect to a selection of said one or more thumbnails (a predetermined period of time setting by an application developer and/or a user to indicate the change of status, e.g., col. 3 lines 62-66, col. 9 lines 50-54); and

second display control means for controlling, if said predetermined time is found to have passed with respect to said selection of said one or more thumbnails, additional attribute information associated with said one or more thumbnails at a predetermined position corresponding to the display position of said one or more thumbnails (timestamps and other status indicators are displayed to show blinking icons or an alert status of the corresponding variables have changed based on the preset time, e.g., col. 9 line 59-col. 10 line 2, col. 12 lines 58-65, figs. 4a-c, and 5a-b); however, MacPhail does not teach how to determine a speed for the thumbnail. PowerPoint clearly shows that the user can set timings for each image and entire slide show (as shown in figs. 1-3 of Microsoft PowerPoint). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have the timing features of PowerPoint in the status indicator of MacPhail to help the designer to attract more viewers during the slide show by customizing the show for a specific audience.

As to claim 3, this is a method claim of apparatus claim 1. Note the rejection of claim 1 above.

As to claim 4, this is a system claim of apparatus claim 1. Note the rejection of claim 1 above.

As to claim 5, this is a computer program product claim of apparatus claim 1. Note the rejection of claim 1 above.

As to claims 6-7, 9-10, 11-12, and 14-15, MacPhail clearly teaches the predetermined shapes are a line and a polygon (figs. 3a-c), and MacPhail does not clearly show the predetermined shape can be a circle or a spiral; however, MacPhail admits that other shapes may also be used in the invention (e.g., col. 6 lines 64-67), and it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify any display to have different shapes of layouts for icons or thumbnails to fit the screen.

As to claim 16, in light of the rejection set forth in claim 1, wherein said one or more thumbnails/icons represent audio data, video data, audio/video data, text data (an identifying text or graphic could be displayed to represent the selected icon/thumbnail, e.g., col. 8 lines 43-48), Hypertext Markup Language (HTML) data or software specific data.

As to claim 17, MacPhail teaches the selected icon representing a threshold value that is measured in MB (figs. 5a-b) and predicting a size of the data; however, MacPhail does not clearly show that data is an audio data. It would have been obvious to implement the system of MacPhail to be able to view the audio data as an icon/thumbnail based on the similar technique as clearly explained in claim 1 above.

As to claims 18-19, they are method claims of apparatus claims 16-17. Note the rejections of claims 16-17 above respectively.

As to claim 20, it is similar in scope to claim 1 above except the predetermined shape is selected from the group consisting of a line, a circle, an ellipse, a spiral and polygon (oval, e.g., col. 6 lines 62-67, figs. 2a-b, 3a-c, and 4a-c).

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As to claims 8 and 13, they can be rejected under similar addressed limitation as claim 20 above.

As to claim 21, this is a method claim of apparatus claim 20. Note the rejection of claim 20 above.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over MacPhail (U.S. Patent No. 6,636,243 B1) in view of PowerPoint, and further in view of Buxton et al. (U.S. Patent No. 6,118,427).

As to claim 2, the modified MacPhail teaches the information processing apparatus according to claim 1, wherein said second display control means controls the display so that said information associated with said one or more thumbnails (Note the rejection of claim 1 above); however, MacPhail in view of PowerPoint does not teach that the thumbnails are displayed in a semitransparent frame or on a semitransparent background. Buxton clearly teaches a GUI utilizes variable-transparency to merge images or layers of objects onto a graphical display for user to “see through” objects or partial objects such as menu, images, screens, etc. (Abstract, col. 3 lines 40-46, figs. 2 and 5). It would have been obvious to a person of ordinary skill in the art at the time of the invention to add the transparent/semi-transparent feature of Buxton in the modified status indicator of MacPhail to improve visualization during tailoring and optimizing the graphical interface (e.g., col. 3 lines 54-60).

Response to Arguments

3. Applicant's arguments filed in an Amendment have been fully considered but they are not persuasive.

Applicants argued and Examiner disagrees for the following reasons:

a. Microsoft PowerPoint copyright of 2000, and there is nothing to indicate that the Microsoft Power Point copyright is prior to the application filing date of May 1, 2000.

The set timing options for rehearsing the slide show presentation or setting the speed of the slide show of the Microsoft PowerPoint has been well known since 1997 or might be before 1997 (see the attached copies (renumbered to page 1-3; or cover page, and 28-29) of Microsoft Office 97 Professional, specifically, Slide Sorter View of page 3).

b. MacPhail does not teach that icons are thumbnails.

In the previous office action, the examiner clearly stated that MacPhail does not clearly teach that the icons are thumbnails; however, it would have been obvious to implement teaching of thumbnails in the MacPhail's system to perform in similar functionality as any icon of MacPhail to improve visibility to ease the user when determining the content of the objects/icons displayed on a GUI. It is well known in the art; for example, Miyao et al. (U.S. Patent No. 6,466,237 B1) clearly teach that the thumbnails are partially and sequentially overlapped each others in a three-dimensional display (Miyao, e.g., col. 2 lines 10-14, lines 34-40, and figs. 1, 12a-b, 13a & c) as similar to the icons of MacPhail. Moreover, MacPhail inherently provides that icons can be overlapped if there are so many icons

displayed on the ring because the system of MacPhail is not limited how many icons allow to be on that ring; and if it is not, it would have been obvious to modify the icons or thumbnails to be overlapped for saving space or other grouping purposes. Once again, Miyao teaches that the thumbnails are partially and sequentially overlapped each others in the three-dimensional display as explained above.

c. *Microsoft Power Point does not provide the missing element(s), which is the speed of selection to determine the display speed of one or more thumbnails, from MacPhail.*

In the previous office action, the examiner clearly stated the missing limitation from MacPhail was how to determine the speed for the thumbnail. Microsoft Power Point clearly shows that the user can set timings for each image and entire slide show (as shown in figs. 1-3 of Microsoft Power Point and the attached copies 1-3 of Microsoft Office 97 Professional, specifically, Slide Sorter View of page 3). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have the timing features of PowerPoint in the status indicator of MacPhail to help the designer to attract more viewers during the slide show by customizing the show for a specific audience. The speed of selection to determine the display speed of one or more thumbnails can be explained using Microsoft PowerPoint as if the user wants to set a 10-second slide show with 10 images, the user has to select by clicking on the next slide/image every second (the arrow button → indicates the next slide will be selected). Then the entire

slide show will show as one frame per second until 10 slides/images displayed and within 10 seconds for the entire show; therefore, the display speed of each slide is 1 second determined by the user's selection as claimed by the applicant.

d. There is no a correlation between the speed of selection of the one or more thumbnails and the speed of the one or more are displayed as claimed in claim 1.

Firstly, claim language did not clearly state "a correlation between the speed of selection of the one or more thumbnails and the speed of the one or more are displayed" as claimed in claim 1. And secondly, the setup speed of the slide show using Microsoft Power Point are set for entire show and each individual of the thumbnails, icons, photos, or images is also effected with the setting speed during the slide show presentation.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

10/27/05


BA HUYNH
PRIMARY EXAMINER